



RESOLUTION NO. 2006-51

A RESOLUTION OF THE LODI CITY COUNCIL  
SUMMARILY VACATING AND ABANDONING THE  
SOUTH SEVEN FEET OF AN EXISTING  
TEN-FOOT PUBLIC UTILITY EASEMENT AT  
1305 EAST VINE STREET

WHEREAS, a ten-foot public utility easement located at 1305 East Vine Street was dedicated on Parcel 2 of Parcel Map filed for record in Book 17, of Parcel Maps, Page 167, San Joaquin County Records, as shown on Exhibit A attached hereto and incorporated herein; and

WHEREAS, in order to remove the parcel encumbrance caused by an unused portion of the existing ten-foot public utility easement, Lodi Unified School District (LUSD) has requested the abandonment of the south seven feet of said easement dedicated on Parcel 2 of the Parcel Map recorded in Book 17 of Parcel Maps, Page 167, San Joaquin County Records; and

WHEREAS, the remaining north three feet of the easement is currently occupied by an SBC Pacific Bell utility, and a new seven-foot public utility easement abutting the remaining three feet is being dedicated on the adjacent parcel, that is also owned by LUSD to accommodate electrical utility facilities. A proposed LUSD warehouse to be constructed on the adjacent site has been conditioned to dedicate the new seven-foot public utility easement and the dedication is currently in process; and

WHEREAS, under Section 8333 of the Streets and Highways Code, a local agency may summarily vacate an easement if it has not been used for the purpose for which it was dedicated, or if the easement has been superseded by relocation and there are no other public facilities located within the easement. There are no public utilities in the portion of the easement to be abandoned; and

WHEREAS, the City of Lodi Water/Wastewater and Street Divisions, SBC, PG&E, and Comcast have approved the public utility easement abandonment without further comment or conditions.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Lodi finds and declares as follows:

1. The above recitals are true and correct.
2. The portion of the existing easement covered by the vacation has not been used for the purpose for which it was dedicated and the need for the portion of the easement to be vacated has been superseded by relocation and there are no other public facilities located within the portion of the easement to be vacated, and, in accordance with California Government Code Section 65402(a), the City Council of the City of Lodi hereby provides that Government Code Section 65402(a) does not apply to this vacation.

3. That the south seven feet of the existing ten-foot public utility easement located at 1305 East Vine Street (APN 049-250-32), shown on Exhibit A attached hereto and incorporated herein, is hereby summarily vacated as of the date of recordation of this Resolution and from and after that date no longer constitutes a public utility easement.
4. The vacation is made pursuant to Chapter 4, Part 3, of the Streets and Highways Code of the State of California.
5. The property owners will dedicate a new public utility easement in conformance with City requirements; and
6. The City Clerk is hereby authorized and instructed to record this Resolution pursuant to Streets and Highways Code Section 8336 without referral to the Planning Commission or the normal posting, publishing, and public hearing.

Dated: April 5, 2006

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I hereby certify that Resolution No. 2006-51 was passed and adopted by the City Council of the City of Lodi in a regular meeting held April 5, 2006, by the following vote:

AYES: COUNCIL MEMBERS – Hansen, Johnson, Mounce, and  
Mayor Hitchcock

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – Beckman

ABSTAIN: COUNCIL MEMBERS – None



SUSAN J. BLACKSTON  
City Clerk



# CITY OF LODI

PUBLIC WORKS DEPARTMENT

## EXHIBIT A PUBLIC UTILITY EASEMENT ABANDONMENT

